

REMARKS

In the non-final Office Action, the Examiner rejected claim 34 under 35 U.S.C. § 102(a) as anticipated by Kleinberg (U.S. Patent No. 6,112,202) (hereinafter "Kleinberg '202"); rejected claims 10-13, 21-29, and 36 under 35 U.S.C. § 102(a) as anticipated by Kleinberg ("Authoritative Sources in a Hyperlinked Environment," May 1997) (hereinafter Kleinberg 1997); rejected claims 14-20 and 30-33 under 35 U.S.C. § 103(a) as unpatentable over Kleinberg 1997; and rejected claims 9 and 35 under 35 U.S.C. § 101 as claiming the same invention as claim 1 of U.S. Patent No. 6,285,999.

By this Amendment, Applicant amends claims 28 and 36 to improve form. Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. §§ 101, 102, and 103. Claims 9-36 remain pending.

In paragraph 1 of the Office Action, the Examiner rejected claim 34 under 35 U.S.C. § 102(a) as allegedly anticipated by Kleinberg '202. Applicant respectfully traverses the rejection.

Applicant submits that Kleinberg '202 is not prior art with respect to the present application. The present application obtains the benefit of U.S. Patent Application, Serial No. 09/004,827 (now U.S. Patent No. 6,285,999), filed January 9, 1998, which claims the benefit of U.S. Provisional Application No. 60/035,205, filed January 10, 1997. Thus, the present application has an effective filing date of January 10, 1997. Kleinberg '202 has a filing date of March 7, 1997--after the effective filing date of the present application.

35 U.S.C. § 120 states:

An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, which is filed by an inventor or inventors named in the previously filed application shall have the same effect, as to such

invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

M.P.E.P. § 201.11 states that there are six conditions for receiving the benefit of an earlier filing date under 35 U.S.C. § 120: (A) the later-filed application is an application for a patent for an invention which is also disclosed in the prior application and the disclosure of the invention in the prior application and the later-filed application are sufficient to comply with the requirements of 35 U.S.C. § 112, first paragraph; (B) the later-filed application was copending with the prior application or with an application similarly entitled to the benefit of the filing date of the prior application; (C) the later-filed application contains a specific reference to the prior application in the specification or in an application data sheet; (D) the later-filed application was filed by an inventor or inventors named in the prior application; (E) the benefit claim under 35 U.S.C. § 120 was made during the pendency of the later-filed application and within the time period set forth in 37 C.F.R. § 1.78(a)(2)(ii) and (a)(5)(ii); and (F) if benefit is claimed to a provisional application that was filed in a language other than English, then an English language translation of the provisional application and a statement that the translation is accurate was filed in the later-filed application.

Applicant submits that the present application satisfies the six conditions specified in M.P.E.P. § 201.11 and, therefore, is entitled to the benefit of the filing date of the prior application (Serial No. 09/004,827).

With regard to condition (A), Applicant submits that the written description of the prior application and the present application both adequately support and enable the subject matter claimed in the present application.

With regard to condition (B), Applicant submits that the present application was filed during the pendency of the prior application. The prior application was filed January 9, 1998 and issued on September 4, 2001. The present application was filed on July 2, 2001--during the pendency of the prior application.

With regard to condition (C), Applicant submits that the present application contains a specific reference to the prior application in the specification. The specification of the present application was amended at the time of filing the present application to contain a specific reference to the prior application.

With regard to condition (D), Applicant submits that the present application was filed by an inventor or inventors named in the prior application. Both the present application and the prior application name Lawrence Page as the sole inventor.

With regard to condition (E), Applicant submits that the benefit claim under 35 U.S.C. § 120 was made during the pendency of the present application and within the time period set forth in 37 C.F.R. § 1.78(a)(2)(ii) and (a)(5)(ii). The benefit claim was made in the present application at the time of filing the present application.

Condition (F) is inapplicable in the present situation.

Because the present application satisfies the six conditions specified in M.P.E.P. § 201.11, the present application is entitled to the benefit of the filing date of the prior application (Serial No. 09/004,827) and, thus, has an effective filing date of January 9, 1998.

With regard to claiming the benefit of the provisional filing date, 35 U.S.C. § 119(e)(1) states:

An application for patent filed under section 111(a) or section 363 of this title for an invention disclosed in the manner provided by the first paragraph of section 112 of this

title in a provisional application filed under section 111(b) of this title, by an inventor or inventors named in the provisional application, shall have the same effect, as to such invention, as though filed on the date of the provisional application filed under section 111(b) of this title, if the application for patent filed under section 111(a) or section 363 of this title is filed not later than 12 months after the date on which the provisional application was filed and if it contains or is amended to contain a specific reference to the provisional application.

M.P.E.P. § 201.11 states that there are six conditions for receiving the benefit of an earlier filing date under 35 U.S.C. § 119(e): (A) the later-filed utility application is an application for a patent for an invention which is also disclosed in the prior provisional application and the disclosure of the invention in the provisional application and the utility application are sufficient to comply with the requirements of 35 U.S.C. § 112, first paragraph; (B) the utility application was filed no later than 12 months after the date on which the provisional application was filed; (C) the utility application contains a specific reference to the provisional application in the specification or in an application data sheet; (D) the utility application was filed by an inventor or inventors named in the provisional application; (E) the benefit claim under 35 U.S.C. § 119(e) was made during the pendency of the utility application and within the time period set forth in 37 C.F.R. § 1.78(a)(2)(ii) and (a)(5)(ii); and (F) if the provisional application was filed in a language other than English, then an English language translation of the provisional application and a statement that the translation is accurate was filed in the utility application.

Applicant submits that the present and prior applications satisfy the six conditions specified in M.P.E.P. § 201.11 and, therefore, are entitled to the benefit of the filing date of the provisional application. Thus, the present application, through the prior application, is entitled to the benefit of the provisional filing date.

With regard to condition (A), Applicant submits that the written description of the

provisional application adequately supports and enables the subject matter claimed in the present application. For example, the claims of the present application find support in the provisional application at pages 1-7 of Appendix A.

With regard to condition (B), Applicant submits that the filing date of the prior application (Serial No. 09/004,827) is no later than 12 months after the date on which the provisional application was filed. The provisional application was filed January 10, 1997. As explained above, the prior application has a filing date of January 9, 1998. Thus, the filing date of the prior application is no later than 12 months after the filing date of the provisional application.

With regard to condition (C), Applicant submits that the prior application and the present application contain a specific reference to the provisional application in the specification or in an application data sheet. The specification of the prior application and the present application both contain a specific reference to the provisional application.

With regard to condition (D), Applicant submits that the present and prior applications were filed by an inventor or inventors named in the provisional application. The present application, the prior application, and the provisional application name Lawrence Page as the sole inventor.

With regard to condition (E), Applicant submits that the benefit claim under 35 U.S.C. § 119(e) was made during the pendency of the present application and within the time period set forth in 37 C.F.R. § 1.78(a)(2)(ii) and (a)(5)(ii). The benefit claim was made in the prior application at the time of filing the prior application. The benefit claim was made in the present application at the time of filing the present application.

Condition (F) is inapplicable in the present situation because the provisional application was filed in the English language.

Because the present and prior applications satisfy the six conditions specified in M.P.E.P. § 201.11, the present and prior applications are entitled to the benefit of the filing date of the provisional application No. 60/035,205. Thus, the present application has an effective filing date of January 10, 1997.

Kleinberg '202 has a filing date of March 7, 1997--after the effective filing date of the present application. Therefore, Kleinberg '202 is not prior art with respect to the present application.

For at least these reasons, Applicant submits that the rejection of claim 34 as allegedly anticipated by Kleinberg '202 should be withdrawn.

In paragraph 2 of the Office Action, the Examiner rejected claims 10-13, 21-29, and 36 under 35 U.S.C. § 102(a) as allegedly anticipated by Kleinberg 1997. Applicant respectfully traverses the rejection.

Applicant submits that Kleinberg 1997 is not prior art with respect to the present application. As explained above, the present application has an effective filing date of January 10, 1997. Kleinberg 1997 has a publication date of May 29, 1997--after the effective filing date of the present application.

For at least these reasons, Applicant submits that the rejection of claims 10-13, 21-29, and 36 as allegedly anticipated by Kleinberg 1997 should be withdrawn.

In paragraph 3 of the Office Action, the Examiner rejected claims 14-20 and 30-33 under 35 U.S.C. § 103(a) as allegedly unpatentable over Kleinberg 1997. Applicant respectfully

traverses the rejection.

Applicant submits that Kleinberg 1997 is not prior art with respect to the present application. As explained above, the present application has an effective filing date of January 10, 1997. Kleinberg 1997 has a publication date of May 29, 1997--after the effective filing date of the present application.

For at least these reasons, Applicant submits that the rejection of claims 14-20 and 30-33 as allegedly unpatentable over Kleinberg 1997 should be withdrawn.

In paragraph 4 of the Office Action, the Examiner rejected claims 9 and 35 under 35 U.S.C. § 101 as allegedly claiming the same invention as that of claim 1 of U.S. Patent No. 6,285,999. Applicant respectfully traverses the rejection.

35 U.S.C. § 101 states: "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title." M.P.E.P. § 804 states that a statutory basis for a double patenting rejection is based on whether the same invention is being claimed twice, where "same invention" means identical subject matter. Applicant submits that identical subject matter is not recited in claims 9 and 35 of the present application and claim 1 of U.S. Patent No. 6,285,999.

Claim 1 of U.S. Patent No. 6,285,999 recites:

1. A computer implemented method of scoring a plurality of linked documents, comprising:

obtaining a plurality of documents, at least some of the documents being linked documents, at least some of the documents being linking documents, and at least some of the documents being both linked documents and linking documents, each of the linked documents being pointed to by a link in one or more of the linking documents;

assigning a score to each of the linked documents based on scores of the one or more linking documents and

processing the linked documents according to their scores.

Claim 9 of the present application recites:

9. A computer implemented method of scoring a plurality of linked documents, comprising:

identifying a plurality of documents, at least some of the documents being linked documents, at least some of the documents being linking documents, and at least some of the documents being both linked documents and linking documents, each of the linked documents being pointed to by a link in one or more of the linking documents;

assigning a score to each of the linked documents based on scores associated with the one or more linking documents; and

processing the linked documents according to the assigned scores.

Claim 35 of the present application recites:

35. A computer implemented method of scoring a plurality of documents, comprising:

identifying a plurality of linked documents;

identifying linking documents that link to the linked documents;

determining a score for each of the linked documents based on scores of the linking documents that link to the linked document; and

processing the linked documents according to the determined scores.

Claim 1 of U.S. Patent No. 6,285,999 recites "obtaining a plurality of documents" (emphasis added), whereas claim 9 of the present application recites "identifying a plurality of documents" (emphasis added) and claim 35 of the present application recites "identifying a plurality of linked documents" (emphasis added). The terms "obtaining" and "identifying" are not synonyms. Therefore, claims 9 and 35 are different in scope from claim 1 of U.S. Patent No. 6,285,999 and do not constitute identical subject matter.

For at least these reasons, Applicant submits that the rejection of claims 9 and 35 as



allegedly claiming the same invention as claim 1 of U.S. Patent No. 6,285,999 should be withdrawn.

For at least the foregoing reasons, Applicant respectfully requests the reconsideration of this application and the allowance of the pending claims.

If the Examiner believes that there are any outstanding issues not addressed above, the Examiner is urged to contact the undersigned to expedite prosecution of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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